

Message Text

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ORIGIN EB-08

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-----096066 140855Z /10

R 122157Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY WARSAW

UNCLAS STATE 122077

E.O. 11652: N/A

TAGS: EAIR, PL

SUBJECT: CIVAIR NEGOTIATIONS

1. FOLLOWING IS TEXT OF MEMORANDUM OF UNDERSTANDING SIGNED
ON MAY 12:

QUOTE. THE DELEGATIONS AGREED TO THE FOLLOWING UNDER-
STANDINGS:

1. NOTWITHSTANDING NUMBERED PARAGRAPH 2(B) OF THE EXCHANGE
OF NOTES DATED AUGUST 26, 1976, THE GOVERNMENT OF THE
POLISH PEOPLE'S REPUBLIC GUARANTEES THAT SALES FOR POLISH
CURRENCY BY THE POLISH DESIGNATED AIRLINE AND OTHER POLISH
ORGANIZATIONS IN COUNTRIES OTHER THAN THE UNITED STATES OF
SCHEDULED AIR TRANSPORTATION OF PASSENGERS, ACCOMPANYING
BAGGAGE, CARGO, AND MAIL WHICH ARE CARRIED ON ALL SERVICES
OF THE DESIGNATED AIRLINE OF THE UNITED STATES WILL NOT BE
LESS THAN THE EQUIVALENT OF DOLS 4.5 MILLION, EXCLUDING
COMMISSIONS, DURING 1978. THE POLISH DESIGNATED AIRLINE
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WILL PROVIDE THE UNITED STATES DESIGNATED AIRLINE WITH
CURRENT INFORMATION ON A MONTHLY BASIS REGARDING THE STATUS
OF THE FOREGOING SALES GUARANTEE IN ORDER TO ASSURE ITS
FULL ATTAINMENT.

2. NOTWITHSTANDING NUMBERED PARAGRAPH 3(A) OF THE
EXCHANGE OF NOTES DATED AUGUST 26, 1976, THE DESIGNATED

AIRLINE OF THE UNITED STATES MAY OPERATE SEVEN NARROW-BODIED ROUNDTRIP FREQUENCIES PER WEEK DURING THE PERIOD MAY 15, 1978-DECEMBER 31, 1978. THESE FREQUENCIES MAY OPERATE BETWEEN THE UNITED STATES AND WARSAW VIA VIENNA, WITHOUT LOCAL TRAFFIC RIGHTS BETWEEN VIENNA AND WARSAW BUT WITH THE RIGHT TO CARRY STOPOVER TRAFFIC.

3. THE UNITED STATES AUTHORITIES WILL APPROVE THE OPERATION OF 38 ONE-WAY EXTRA SECTION FLIGHTS BETWEEN NEW YORK AND WARSAW DURING THE PERIOD MAY 14, 1978-DECEMBER 31, 1978.

4. THE DATES SPECIFIED IN NUMBERED PARAGRAPH 5 OF THE EXCHANGE OF NOTES DATED AUGUST 26, 1976, ARE AMENDED TO READ "OCTOBER 31, 1978" AND "DECEMBER 31, 1978", RESPECTIVELY.

5. THE DELEGATIONS NOTED THAT THE POLISH AUTHORITIES DID NOT PROVIDE THE NECESSARY FACILITIES FOR THE OPERATION OF WIDE-BODIED AIRCRAFT AT WARSAW AIRPORT IN 1978, AS PROVIDED IN THE EXCHANGE OF NOTES DATED AUGUST 26, 1976. THE POLISH DELEGATION EXPRESSED ITS INTENTION TO ACHIEVE THIS OBJECTIVE IN 1979.

6. NOTWITHSTANDING PARAGRAPHS G AND H OF ARTICLE 10 OF THE AIR TRANSPORT AGREEMENT, NEITHER PARTY MAY PREVENT THE

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INAUGURATION OR THE CONTINUATION OF BUDGET, APEX, OR STANDBY AIR FARES, EXCEPT WITH RESPECT TO TRAFFIC ORIGINATING IN ITS OWN TERRITORY ON A ONE-WAY OR ROUNDTRIP BASIS.

7. THE POLISH DESIGNATED AIRLINE WILL CONTINUE TO APPOINT THE UNITED STATES DESIGNATED AIRLINE AS ITS GROUND HANDLING AGENT AT AIRPORTS IN THE UNITED STATES FOR ITS SCHEDULED AND CHARTER SERVICES WHERE THE UNITED STATES DESIGNATED AIRLINE HAS GROUND HANDLING FACILITIES AVAILABLE.

8. AIRPORT GROUND HANDLING SERVICES IN POLAND WILL BE PROVIDED TO UNITED STATES AIRLINES, BOTH SCHEDULED AND SUPPLEMENTAL, WITHOUT DISCRIMINATION AND ON A BASIS NO LESS FAVORABLE THAN THAT PROVIDED FOR THE POLISH AIRLINE.

9. EACH PARTY WILL, DURING THE PERIOD OF EFFECTIVENESS OF THE AIR TRANSPORT AGREEMENT, ALLOW THE AIRLINE OR AIRLINES, BOTH SCHEDULED AND SUPPLEMENTAL, OF THE OTHER PARTY TO OPERATE PASSENGER AND CARGO CHARTER AIR SERVICES BETWEEN THE TWO COUNTRIES, INCLUDING SERVICES WITH STOPS IN THIRD

COUNTRIES, (A) WITHOUT LIMITATIONS ON VOLUME, FREQUENCY, OR REGULARITY OF SERVICE; AND (B) WITHOUT THE REQUIREMENTS FOR PRIOR APPROVAL OF INDIVIDUAL FLIGHTS OR SERIES OF FLIGHTS. NO INDIVIDUAL PASSENGER CHARTER FLIGHT MAY BE OPERATED WITH MORE THAN 252 PASSENGERS ON BOARD. THE CHARTERWORTHINESS OF FLIGHTS WILL BE DETERMINED BY THE RULES OF THE COUNTRY IN WHICH THE TRAFFIC ORIGINATES. PRICES WILL BE ESTABLISHED BY CHARTERERS UNDER THE SURVEILLANCE OF THE COUNTRY OF TRAFFIC ORIGIN.

THE DELEGATIONS AGREED TO RECOMMEND TO THEIR GOVERNMENTS THAT THE FOREGOING UNDERSTANDINGS BE BROUGHT INTO EFFECT BY AN EXCHANGE OF NOTES CONFIRMING THE UNDERSTANDINGS. THE DELEGATIONS AGREED THAT PARAGRAPHS 2 AND 3 OF THE UNCLASSIFIED

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FOREGOING UNDERSTANDINGS WILL BE IMPLEMENTED BY THE RESPECTIVE AUTHORITIES WITH IMMEDIATE EFFECT.

ROMUALD PIETRASZEK, CHAIRMAN, POLISH DELEGATION.

MICHAEL H. STYLES, CHAIRMAN, UNITED STATES DELEGATION.

MAY 12, 1978, WASHINGTON, D. C. UNQUOTE.

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